

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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WHITESELL CORPORATION,

Case No. 1:05-CV-679

Plaintiff/Counter-Defendant,

v.

Hon. Richard Alan Enslen

WHIRLPOOL CORPORATION  
and JOSEPH SHARKEY,

Defendants.

and

WHIRLPOOL CORPORATION,

**TEMPORARY RESTRAINING  
ORDER**

Counter-Plaintiff

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This Temporary Restraining Order issues *ex parte* since expedited relief was requested and since the Court's scheduling did not permit oral argument before the anticipated date for irreparable harm—May 1, 2007. The Court finds that the representations and affidavits support the suggested findings that Counter-Plaintiff Whirlpool Corporation is likely to prevail on the merits; will suffer irreparable harm in the absence of the Temporary Restraining Order; the balance of the hardships favors the relief; and the public interest favors entry of the proposed Temporary Restraining Order. *See Basicomputer Corp. v. Scott*, 973 F.2d 507, 512 (6th Cir. 1992). Therefore, and because the undersigned is also unavailable to hear this matter within 20 days and because the District is subject to judicial emergency due to reduced judicial staffing;

**IT IS HEREBY ORDERED** that Counter-Plaintiff Whirlpool Corporation's Motion for Temporary Restraining Order ((Dkt. No. 250) is **GRANTED** pending further order of this Court regarding Counter-Plaintiff's Motion for Preliminary Injunction.

**IT IS FURTHER ORDERED** that Plaintiff Whitesell Corporation is **TEMPORARILY RESTRAINED** from terminating, suspending or interrupting the supply of parts to Whirlpool Corporation pending further order of this Court regarding Counter-Plaintiff's Motion for Preliminary Injunction.

**IT IS FURTHER ORDERED** that Counter-Plaintiff's Motion for Preliminary Injunction is **REFERRED** to United States Magistrate Judge Ellen S. Carmody for hearing within 20 days (since good cause within the meaning of Federal Rule of Civil Procedure 65(b) exists and supports a ten-day extension of the usual ten-day deadline for hearing) at such time and place as the Magistrate Judge will direct.

**IT IS FURTHER ORDERED** that Magistrate Judge Carmody shall issue a Report and Recommendation concerning the Motion for Preliminary Injunction, which is subject to *de novo* review in accordance with Western District of Michigan Local Civil Rule 72(b).

Approved and entered this 19th day of April, 2007 at 11:07 a.m.

DATED in Kalamazoo, MI:  
April 19, 2007

/s/ Richard Alan Enslen  
RICHARD ALAN ENSLEN  
SENIOR UNITED STATES DISTRICT JUDGE